

AMENDED IN SENATE APRIL 22, 2009

SENATE BILL

No. 378

Introduced by Senator Romero

February 26, 2009

An act to amend Section 47614.5 of the Education Code, relating to charter school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 378, as amended, Romero. Charter school facilities.

Existing law establishes the Charter School Facility Grant Program to provide assistance with facility rent and lease costs for pupils in charter schools and states the intent of the Legislature that not less than \$18,000,000 annually be appropriated for purposes of the program. Eligibility for a grant is based on the percentage of pupils who are eligible for free and reduced price meals and are enrolled in the charter school or reside in the attendance area of, or are enrolled in, the public elementary school where the charter school is physically located. Funds appropriated for purposes of the program are prohibited from being apportioned for units of average daily attendance generated through nonclassroom based instruction, as defined, or for a school that does not comply with conditions or limitations set forth in regulations adopted by the state board.

Existing law, commencing with the 2008–09 fiscal year, phases out the Year-Round School Grant Program over a 4-year period by reducing grant amounts by 20% each fiscal year and requires that the Budget Acts for each fiscal year of the phaseout period appropriate to the State Department of Education for the Charter School Facility Grant Program an amount equal to the amount appropriated for the 2007–08 fiscal year,

plus the amount equal to the reduction in funding for the Year-Round School Grant Program.

~~This bill would delete the prohibition against apportionments under the Charter School Grant Program for units of average daily attendance generated through nonclassroom based instruction or for a school that does not comply with conditions or limitations set forth in regulations adopted by the state board.~~

The

This bill would require eligibility for this grant program to be expanded if funds remain after charter schools that meet the existing free and reduced price meals threshold are funded. The bill also would allow eligibility to be expanded for units of average daily attendance generated through nonclassroom-based instruction notwithstanding the prohibition against apportionments under the Charter School Grant Program for those units of average daily attendance.

The bill would specify deadlines by which grant funding would be required to be allocated to charter schools.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 47614.5 of the Education Code is
- 2 amended to read:
- 3 47614.5. (a) The Charter School Facility Grant Program is
- 4 hereby established and shall be administered by the department.
- 5 The grant program is intended to provide assistance with facilities
- 6 rent and lease costs for pupils in charter schools.
- 7 (b) Subject to the annual Budget Act, eligible schools shall
- 8 receive an amount of up to, but not more than, seven hundred fifty
- 9 dollars (\$750) per unit of average daily attendance, as certified at
- 10 the second principal apportionment, to reimburse an amount of up
- 11 to, but not more than, 75 percent of the annual facilities rent and
- 12 lease costs for the charter school. In any fiscal year, if the funds
- 13 appropriated for the purposes of this section by the annual Budget
- 14 Act are insufficient to fund the approved amounts fully, the
- 15 Superintendent shall apportion the available funds on a pro rata
- 16 basis.
- 17 (c) For purposes of this section, the department shall do all of
- 18 the following:

1 (1) Inform charter schools of the grant program.

2 (2) (A) Upon application by a charter school, determine
3 eligibility, based on the geographic location of the charter
4 schoolsite, pupil eligibility for free or reduced price meals, and a
5 preference in admissions, as appropriate. Eligibility for funding
6 shall not be limited to the grade level or levels served by the school
7 whose attendance area is used to determine eligibility. ~~Charter~~

8 (B) *Charter* schoolsites are eligible for funding pursuant to this
9 section if the charter schoolsite meets either of the following
10 conditions:

11 ~~(A)~~

12 (i) The charter schoolsite is physically located in the attendance
13 area of a public elementary school in which 70 percent or more of
14 the pupil enrollment is eligible for free or reduced price meals and
15 the schoolsite gives a preference in admissions to pupils who are
16 currently enrolled in that public elementary school and to pupils
17 who reside in the elementary school attendance area where the
18 charter schoolsite is located.

19 ~~(B)~~

20 (ii) Seventy percent or more of the pupil enrollment at the
21 charter schoolsite is eligible for free or reduced price meals.

22 (C) Notwithstanding ~~subparagraphs (A) and subparagraph (B)~~,
23 in any year in which additional funds remain after state and federal
24 funds are allocated to eligible applicants who meet the eligibility
25 criteria in subparagraphs (A) and (B), the department shall expand
26 eligibility to additional schools by reducing the free and reduced
27 price meals threshold 5 percentage points at a time, but in no case
28 below 50 percent. The department shall allocate funds to schools
29 below the 70 percent free and reduced price meals threshold in
30 order of the highest eligibility percentage first until all available
31 funds are allocated.

32 (D) *Notwithstanding paragraph (1) of subdivision (d), in a year*
33 *in which additional funds remain after funding is allocated to all*
34 *eligible applicants pursuant to subparagraph (C), the department*
35 *shall expand eligibility to units of average daily attendance*
36 *generated through nonclassroom-based instruction, as defined by*
37 *paragraph (2) of subdivision (d) of Section 47612.5.*

38 (3) Inform charter schools of their grant eligibility.

39 (4) Reimburse charter schools for eligible expenditures in a
40 timely manner. Funding shall be allocated within 120 days of the

1 start of the fiscal year in which the costs are incurred based on
2 estimates of the cost of an eligible school. The department may
3 withhold up to ~~25~~ 50 percent of the total payment of a school
4 pending the final documentation of actual costs incurred, but shall
5 allocate the final payment for eligible costs no later than 60 days
6 after the start of the following fiscal year.

7 (d) Funds appropriated for purposes of this section shall not be
8 apportioned for any of the following:

9 *(1) Units of average daily attendance generated through*
10 *nonclassroom-based instruction, as defined by paragraph (2) of*
11 *subdivision (d) of Section 47612.5, or that do not comply with*
12 *conditions or limitations set forth in regulations adopted by the*
13 *state board pursuant to this section.*

14 ~~(1)~~

15 (2) Charter school facility costs associated with existing school
16 district or county office of education facilities.

17 ~~(2)~~

18 (3) Charter school facility costs associated with reasonably
19 equivalent facilities from their chartering authority pursuant to
20 Section 47614.

21 (e) Funds appropriated for purposes of this section shall be used
22 for costs associated with facilities rents and leases, consistent with
23 the definitions used in the California School Accounting Manual.
24 These funds also may be used for costs, including, but not limited
25 to, costs associated with remodeling buildings, deferred
26 maintenance, initially installing or extending service systems and
27 other built-in equipment, and improving sites.

28 (f) If an existing charter school located in an elementary
29 attendance area in which less than 50 percent of pupil enrollment
30 is eligible for free or reduced price meals relocates to an attendance
31 area identified in paragraph (2) of subdivision (c), admissions
32 preference shall be given to pupils who reside in the elementary
33 school attendance area into which the charter school is relocating.

34 (g) The Superintendent annually shall report to the state board
35 regarding the use of funds that have been made available during
36 the fiscal year to each charter school pursuant to the grant program.

37 (h) It is the intent of the Legislature that not less than eighteen
38 million dollars (\$18,000,000) annually be appropriated for purposes

- 1 of the grant program on the same basis as other elementary and
- 2 secondary education categorical programs.

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